
SUBSTITUTE SENATE BILL 5352

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Kline, Keiser, Fairley, Kohl-Welles and Franklin)

READ FIRST TIME 02/27/07.

1 AN ACT Relating to disciplinary actions involving health
2 professionals; and amending RCW 18.130.100.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 18.130.100 and 1989 c 175 s 69 are each amended to
5 read as follows:

6 (1) The procedures governing adjudicative proceedings before
7 agencies under chapter 34.05 RCW, the Administrative Procedure Act,
8 govern all hearings before the disciplining authority. The
9 disciplining authority has, in addition to the powers and duties set
10 forth in this chapter, all of the powers and duties under chapter 34.05
11 RCW, which include, without limitation, all powers relating to the
12 administration of oaths, the receipt of evidence, the issuance and
13 enforcing of subpoenas, and the taking of depositions.

14 (2) With respect to the use of expert testimony in a hearing on
15 charges:

16 (a) Each party may designate, identify, or call to testify at
17 hearing no more than one expert witness on any issue presented.

18 (b) No expert testimony shall be permitted by any party unless the

1 following information is exchanged in written form with counsel for the
2 other party:

3 (i) A curriculum vitae setting forth the qualifications of the
4 expert.

5 (ii) A brief narrative statement of the general substance of the
6 testimony that the expert is expected to give, including any opinion
7 testimony and its basis.

8 (iii) A representation that the expert has agreed to testify at the
9 hearing.

10 (iv) A statement of the expert's hourly and daily fee for providing
11 testimony and for consulting with the party who retained his or her
12 services.

13 (3) The exchange of the information described in subsection (2) of
14 this section shall be completed at least seven calendar days prior to
15 the scheduled prehearing conference. In the event no prehearing
16 conference has been scheduled, the exchange shall be completed at least
17 thirty calendar days prior to the scheduled start date of the hearing.

18 (4) The uniform procedural rules adopted by all disciplining
19 authorities in accordance with RCW 18.130.095 may include further
20 regulations governing the required exchange of the information
21 described in this section.

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